



# INSTRUCTIONS FOR A NON-ADMINISTRATIVE NOISE VARIANCE

**This packet may be submitted for the following:**

- Relief from compliance with the maximum permissible sound levels of MMC 8.06 because of special circumstances that make immediate compliance unreasonable
- Relief is required for a period of time that exceeds 14-days during any 12-month consecutive period

## General Information

- A. A complete application is required at the time of submittal. Please answer all questions on the application clearly and completely.
- B. The City’s application form must be used, however, answers to the criteria questions may be submitted on a separate sheet of paper.
- C. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of submittal.
- D. A Non-Administrative Noise Variance requires a hearing in front of the Medina Hearing Examiner.

## Requirements

### I. APPLICATION

**NOTE: Deviations from an approved noise variance may result in the request being returned to the Hearing Examiner for further review and cause delay of the project.**

- A. The following documents are required at the time of submittal, unless otherwise indicated. A complete application will include:
  - 1. Completed Non-Administrative Noise Variance Checklist, Non-Administrative Noise Variance Application and Declaration of Agency form
  - 2. Proof of ownership (copy of deed)
  - 3. Site Plan with the following:
    - a. Scale and north arrow
    - b. Property lines including corner stakes
    - c. Lot dimensions
    - d. Proposed location of new structure(s) or addition(s)
    - e. Dimensions of existing and new structures
    - f. Setback dimensions from property lines
    - g. All public/private roads
    - h. All easements
    - i. All other structures on the property
    - j. Significant natural features
    - k. Structural calculations, including maximum structural coverage and impervious surface
    - l. Approximate location of structures on abutting properties with distances delineated

- B. State Environmental Policy Act (SEPA) checklist for non-residential uses
- C. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet **or** three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. See attachment in this packet for further information.
  - 1. Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
- D. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the variance request.

## Procedure

### II. NON-ADMINISTRATIVE NOISE VARIANCE PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. **MODIFICATIONS: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger the application to be re-noticed.**
- C. Following receipt of the non-administrative noise variance application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 16.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response. A hearing will be schedule with the Medina Hearing Examiner and a Notice of Hearing will be posted, mailed, and published according to the general notice requirements in MMC 16.80.140 at least fifteen (15) days before the hearing date.
- D. **STAFF REPORT AND MEETING AGENDA**: A staff report and meeting agenda will be emailed to the applicant for review a week before the scheduled hearing.

### III. PUBLIC HEARING

- A. The Hearing Examiner bases his/her decision on the information provided in the application and testimony given at the public hearing. Information provided to the applicant by City staff or consultants regarding previous actions shall in no way be construed to indicate what the Hearing Examiner's decision will be on a given application.
- B. At the public hearing all evidence for or against the application will be heard in the following order:
  - 1. The Hearing Examiner will introduce the requested application.
  - 2. Testimony will be heard as follows:
    - a. Staff
    - b. Applicant and/or their representatives.
    - c. Audience in attendance.
  - 3. Correspondence applicable to the case will be provided to the Hearing Examiner.

C. Testimony must be related to the case being considered.

#### **IV. DISPOSITION OF CASES**

- A. The Hearing Examiner may be prepared to make a final determination on the case following the conclusion of the hearing or may continue the matter if sufficient reason for such action is found.
- B. Before any non-administrative noise variance may be granted, the Hearing Examiner shall find that all of the following criteria are satisfied:
1. Strict enforcement of MMC 8.06 creates an unnecessary hardship where immediate compliance is unreasonable; and
  2. The noise variance is necessary because of:
    - i. Unique circumstances caused by other regulatory or contractual requirements;
    - ii. The type of project or special construction requirements; or
    - iii. For a public agency project, the granting of the variance is in the overall best interests of the public
  3. There is no reasonable economically or technically feasible way to achieve compliance with MMC 8.06; and
  4. The request for relief is the minimum necessary; and
  5. The granting of the variance is not materially detrimental or injurious to the public welfare
- C. In determining whether to approve an application for a non-administrative noise variance, evidence of non-administrative noise variances granted under similar circumstances shall not be considered.
- D. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.
- E. An approved non-administrative noise variance shall expire after one year from the later date of the decision being issued or an appeal becoming final. However, the hearing examiner may grant a longer period for the variance provided the longer period is the minimum necessary.

#### **V. APPEALS**

The decision of the Hearing Examiner may be appealed by filing a land use petition to King County Superior Court within twenty-one (21) days from the date of the decision.



DEVELOPMENT SERVICES

501 EVERGREEN POINT ROAD MEDINA, WA 98039  
PHONE: 425-233-6414/6400

# NON-ADMINISTRATIVE NOISE VARIANCE CHECKLIST

This checklist contains the minimum submission requirements for a non-administrative noise variance that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

## COMPLETE APPLICATION

<input type="checkbox"/>	Non-Administrative Noise Variance Checklist
	Complete Non-Administrative Noise Variance Application: <input type="checkbox"/> Application form <input type="checkbox"/> Signature of applicant/agent <input type="checkbox"/> All questions answered in full
<input type="checkbox"/>	Declaration of Agency form
<input type="checkbox"/>	Proof of Ownership (copy of deed)
<input type="checkbox"/>	Site Plan with required information
<input type="checkbox"/>	State Environmental Policy Act (SEPA) Checklist for non-residential uses (if applicable)
	Mailing labels – Word doc formatted to Avery address labels <input type="checkbox"/> Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet <b>or</b> three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. <input type="checkbox"/> Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
<input type="checkbox"/>	Perspective drawings, renderings, studies or additional supporting information (if applicable)



DEVELOPMENT SERVICES

# NON-ADMINISTRATIVE NOISE VARIANCE APPLICATION

501 EVERGREEN POINT ROAD MEDINA, WA 98039  
PHONE: 425-233-6414/6400

**Complete this form for the following:**

- Relief from compliance with the maximum permissible sound levels of MMC 8.06 because of special circumstances that make immediate compliance unreasonable
- Relief is required for a period of time that exceeds 14-days during any 12-month consecutive period

### General Information

Owner Name:

Property Address:

Legal Description:

Tax Parcel Number:

### Agent / Primary contact

Name:

Email:

Contact Phone:

Alternative Phone:

Mailing Address:

City:

State:

Zip:

### Property Information

Lot Size:

Zoning District:

Briefly describe the location of the noise source.

Identify all noise control provisions from which a variance is sought.

Briefly describe the proposed activities under this variance application.

Provide a list of equipment associated with the proposed activities including any noise performance specifications.

For phased operations, identify the equipment used in each task and the sequence of work.

Briefly describe what measures are being employed or proposed to be employed to minimize noise.

Describe a schedule of when the noise is expected to be created including the start date and ending date.

### Approval Criteria

The following is the approval criteria for a non-administrative noise variance. Please respond to each item by providing as much detailed information as possible to support your request. Attach additional pages if necessary.

1. The strict enforcement of MMC 8.06 creates an unnecessary hardship where immediate compliance with the noise ordinance is unreasonable.

## Approval Criteria (continued)

2. The noise variance is necessary because of:

- a. Unique circumstances caused by other regulatory or contractual requirements;
- b. The type of project or special construction requirements; or
- c. For a public agency project, the granting of the variance is in the overall best interests of the public

3. There is no reasonable economically or technically feasible way to achieve compliance with the noise ordinance in MMC 8.06.

4. The request for relief is the minimum necessary.

Approval Criteria (continued)

5. The granting of the noise variance is not materially detrimental or injurious to the public welfare.

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Signature\_\_\_\_\_ Owner  Agent  Date\_\_\_\_\_

Signature\_\_\_\_\_ Owner  Agent  Date\_\_\_\_\_